

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 436**

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**Introduced by Assembly Member Saldana**  
**(Coauthor: Assembly Member Huffman)**

February 24, 2009

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An act to ~~amend Section 9004 of~~ *add Section 9004.5 to* the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 436, as amended, Saldana. Elections: initiatives.

Existing law requires that the proponents of an initiative measure submit a draft of the measure to the Attorney General for preparation of a summary of its chief purposes and points. Under existing law, the proponents are required to also submit at that time a \$200 fee that is held in trust and refunded to the proponents if the measure qualifies for the ballot within a specified time period, but the fee is paid to the General Fund if the measure fails to qualify.

This bill would ~~increase~~ *instead require* that *a new fee in specified amounts every 2 years from \$200 from \$500 in 2010 to \$2,000 in 2016 and be paid in lieu of current fees.* The bill would require the fee to be refunded if the measure qualifies for the ballot within 2 years and to be deposited into the General Fund ~~and if it does not qualify~~, to be used to reimburse the Attorney General for the costs of preparing the title and summary of proposed initiative measures. ~~The bill would delete the provision for reimbursement of the proponent if the measure qualified for the ballot.~~ The bill would require in 2018 that the Attorney

General biennially review the fee and increase it in accordance with an increase in the California Consumer Price Index.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 9004.5 is added to the Elections Code,*  
2     *to read:*  
3     *9004.5. (a) Notwithstanding Section 9001 or 9004 or any other*  
4     *provision of law, on or after January 1, 2010, the proponents of*  
5     *an initiative measure, at the time of submitting the draft of the*  
6     *measure to the Attorney General, shall pay in lieu of all other fees,*  
7     *a fee to the Attorney General in accordance with the following*  
8     *schedule:*  
9     *(1) Five hundred dollars (\$500), beginning January 1, 2010.*  
10    *(2) One thousand dollars (\$1,000), beginning January 1, 2012.*  
11    *(3) One thousand five hundred dollars (\$1,500), beginning*  
12    *January 1, 2014.*  
13    *(4) Two thousand dollars (\$2,000), beginning January 1, 2016.*  
14    *(b) A fee received under subdivision (a) shall be placed into a*  
15    *trust fund in the office of the Treasurer and refunded to the*  
16    *proponents if the measure qualifies for the ballot within two years*  
17    *from the date the summary is furnished to the proponents. If the*  
18    *measure does not qualify within that period, the fee shall be paid*  
19    *into the General Fund of the state for reimbursement of the costs*  
20    *incurred by the Attorney General for preparing the title and*  
21    *summary of proposed initiative measures.*  
22    *(c) Beginning in 2018, the Attorney General shall annually*  
23    *review the amount of the fee required by this section and every*  
24    *two years, beginning in 2018, shall increase the fee in an amount*  
25    *equaling an increase in the California Consumer Price Index as*  
26    *determined pursuant to Section 2212 of the Revenue and Taxation*  
27    *Code.*  
28    ~~*SECTION 1. Section 9004 of the Elections Code is amended*~~  
29    ~~*to read:*~~  
30    ~~*9004. (a) Upon receipt of a draft of a petition, the Attorney*~~  
31    ~~*General shall prepare a summary of the chief purposes and points*~~  
32    ~~*of the proposed measure. The summary shall be prepared in the*~~  
33    ~~*manner provided for the preparation of ballot titles in Article 5*~~

1 (commencing with Section 9050), the provisions of which in regard  
2 to the preparation, filing, and settlement of titles and summaries  
3 are hereby made applicable to the summary.

4 (b) ~~The Attorney General shall provide a copy of the title and~~  
5 ~~summary to the Secretary of State within 15 days after receipt of~~  
6 ~~the final version of a proposed initiative measure, or if a fiscal~~  
7 ~~estimate or opinion is to be included, within 15 days after receipt~~  
8 ~~of the fiscal estimate or opinion prepared by the Department of~~  
9 ~~Finance and the Joint Legislative Budget Committee pursuant to~~  
10 ~~Section 9005. If during the 15-day period, the proponents of the~~  
11 ~~proposed initiative measure submit amendments, other than~~  
12 ~~technical, nonsubstantive amendments, to the final version of the~~  
13 ~~measure, the Attorney General shall provide a copy of the title and~~  
14 ~~summary to the Secretary of State within 15 days after receipt of~~  
15 ~~the amendments.~~

16 (c) ~~The proponents of an initiative measure, at the time of~~  
17 ~~submitting the draft of the measure to the Attorney General, shall~~  
18 ~~pay a fee of five hundred dollars (\$500) beginning January 1, 2010;~~  
19 ~~one thousand dollars (\$1,000) beginning January 1, 2012; one~~  
20 ~~thousand five hundred dollars (\$1,500) beginning January 1, 2014;~~  
21 ~~and two thousand dollars (\$2,000), beginning January 1, 2016.~~  
22 ~~The fee shall be immediately paid into the General Fund of the~~  
23 ~~state for reimbursement of the costs incurred by the Attorney~~  
24 ~~General for preparing the title and summary of proposed initiative~~  
25 ~~measures. The Attorney General shall annually review the amount~~  
26 ~~of the fee required by this subdivision and every two years,~~  
27 ~~beginning in 2018, shall increase it in an amount equaling any~~  
28 ~~increase in the California Consumer Price Index as determined~~  
29 ~~pursuant to Section 2212 of the Revenue and Taxation Code.~~